IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7089 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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BARODA MUNICIPAL CORPORATION, - Petitioner
Versus
VADODARA SAHER SUDHRAI, - Respondent

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Appearance :
MR PRANAV G DESAI for Petitioner.
MR RAMNANDAN SINGH for Respondent.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 21/11/2005

ORAL JUDGMENT

1.The petitioner, namely, Baroda Municipal Corporation has filed this petition under Article 227 of the Constitution of India praying for quashing and setting aside the award passed by the Industrial Tribunal at Vadodara on 02.12.1986 in Reference I.T. No. 497 of 1984 (Old No. 836 of 1983). While passing the impugned award, the Industrial Tribunal has observed that Zoo Inspector, Assistant Zoo Inspector, Head Animal Keeper, Mahavat, Animal keeper, Safai Sevak and Dresser Compounder, Animal Supervisor and Fooder supplier whose basic grade was below Rs. 450/-, they should be paid risk allowance of Rs. 30/- per month from 01.06.1983. The Industrial Tribunal has also made it very clear that so far as Brader-maker, Food Distributors, Goat-cart pullers are concerned and small horse cart pullers are concerned, no such risk allowance

be paid.

2.This petition was admitted and rule was issued on 04.08.1988. However, no interim relief was pressed. The petitioner has, thereafter, filed Civil Application No. 532 of 1992 praying for interim relief. While disposing of the said application and dealing with this petition, the Court passed an order on 22.03.1993. It is observed in the said order that the award is dated 02.12.1986. The petition was filed on 30.06.1987 and this Court admitted the petition on 04.08.1988. The Court has further observed that at the time of admission, either request for interim relief was not made or this Court did not think it proper to grant interim relief. The Court has, therefore, inferred that the petitioner would not have pressed for interim relief at that stage. After lapse of such a long time, it would not be proper to grant interim relief and stay the operation and

implementation of the award passed by the Industrial Tribunal. The Court has further observed that however in the facts of the case, it is directed that the payment that may be made to the concerned workmen pursuant to the direction given by the Industrial Tribunal would be subject to the result of the petition. The workmen were required to file Contempt petition being Misc. Civil Application No. 486 of 1989 for seeking compliance of the order. In that M.C.A., this Court granted time to comply with the award upto 31.10.1991. Even so, the said direction has still not been complied with. Hence, the Court directed the petitioner that if the amount payable to the concerned workmen pursuant to the direction given by the Tribunal was not paid latest by 30.04.1993, the said amount shall carry interest @ 18% p.a. The Officers concerned may also be liable for action for contempt. With this clarification and direction, the Court has

refused the interim relief.

3.Heard Mr. Pranav G. Desai, learned advocate appearing for the petitioner and Mr. Ramnandan Singh, learned advocate appearing for the respondent.

4.While going through the award passed by the Tribunal, the Tribunal has considered all the relevant aspects of the matter and come to the just and proper conclusion keeping in mind the risk factor involved while performing the duties of the persons in-charge of the various departments of the respondent – Municipal Corporation. The Tribunal has also considered the quantum of claim made by them and as against the claim of Rs. 100, the Tribunal has granted risk allowance of Rs. 30/- per month and that too for such persons whose basic pay was below Rs.450/- at the relevant time and that is with effect from 01.06.1983. All these

persons have been paid the amount with effect from 01.06.1983 onwards. The Court does not see any justification in interfering in the award passed by the Industrial Tribunal.

5.Considering all the aspects of the matter and further considering the limited jurisdiction of this Court under Article 227 of the Constitution of India, the Court does not want to interfere in the award passed by the Industrial Tribunal. The petition is accordingly dismissed. Rule discharged without any order as to costs.

[K.A. PUJ, J.]

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